

**BOARD OF APPEALS CASE NO. 5146**

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**BEFORE THE**

**APPLICANT: Dominic Inzana**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to allow a 24 square foot  
home occupation sign in the Agricultural  
District; 1906 Mountain Road, Joppa**

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**OF HARFORD COUNTY**

**Hearing Advertised**

**Aegis: 5/9//01 & 5/16/01**

**HEARING DATE: June 18, 2001**

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**Record: 5/11/01 & 5/18/01**

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## **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Dominic Inzana, is requesting a variance pursuant to Section 219-13D(1) of the Harford County Sign Code, to allow a home occupation sign greater than 2 square feet (existing 24 square feet) in the Agricultural District.

The subject property is located at 1906 Mountain Road (MD Route 152), Joppa, MD 21085, and is more particularly identified on Tax Map 60, Grid 2-F, Parcel 146. The parcel contains .704 acres, is zoned AG, Agricultural, and is entirely within the First Election District.

The Applicant appeared and testified that he lives on the subject property and operates a real estate business from the home. He erected a 4 foot by 6 foot sign and placed it in the front of his property but within the road setback. The witness testified that there are other signs along MD Route 152 and displayed photos of many of these signs. The witness was unsure whether any of the subject signs had permits and he was further unaware of the zoning of those parcels. He felt that his sign was like others and that he was being deprived rights commonly enjoyed by others along Mountain Road.

Upon cross examination, the Applicant admitted that his property was much like others located along Mountain Road and that it was not unique in any particular way other than its location along that roadway. Further, the Applicant admitted that he applied for a permit to erect a conforming sign 3 years ago and obtained that permit. The Applicant, although he was aware of the size restrictions simply ignored them and erected a non-conforming sign in violation of the Code requirements. Additionally, the sign was located closer to the road than permitted, actually encroaching into the road setback area.

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The Department of Planning and Zoning recommends denial of the subject request. Mr. Anthony McClune appeared on behalf of the Department and stated that home occupations are considered incidental use and that signs are not intended to commercialize that use. He agreed that there were a number of signs along Mountain Road and stated that there are different sign standards depending upon the use and zoning of particular parcels. Mr. McClune was concerned that granting this variance would impair the purpose of the Sign Code and establish an unwanted precedent along Mountain Road where many residential uses are located.

### **CONCLUSION:**

The Applicant is requesting a variance from the provisions of Section 267-13D(1) of the Harford County Sign Code which provides:

“Professional or home occupation signs. One (1) lighted sign, not exceeding two (2) square feet in area, on lots not exclusively used for residential purposes shall be permitted. These signs may be attached flat against the building or, if freestanding, located not less than ten (10) feet from the road right of way.”

Variances of this nature may be approved by the Board pursuant to Section 267-17 of the Sign Code which provides:

“The Board may grant a variance from the provisions of this chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.”

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The Hearing Examiner finds that the property does not have unique topographical characteristics. The parcel is much like other parcels along Mountain Road and no conditions exist that cause or create any hardship on the Applicant. The Applicant admitted that he wants a bigger sign to attract more business and that is the basis for his request. The Hearing Examiner cannot find any conditions that warrant the grant of a variance as requested. The Code provisions are designed to protect residential uses and, unless the topographic conditions of the lot create a particular hardship on a particular Applicant a variance is unwarranted.

The Hearing Examiner recommends that the subject request be denied.

Date JULY 25, 2001

William F. Casey  
Zoning Hearing Examiner